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FM AMEMBASSY TOKYO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1649
INFO RUCNUNE/UNEP GOVERNING COUNCIL COLLECTIVE PRIORITY
RUEHFK/AMCONSUL FUKUOKA PRIORITY 3069
RUEHNH/AMCONSUL NAHA PRIORITY 5409
RUEHOK/AMCONSUL OSAKA KOBE PRIORITY 6861
RUEHKSO/AMCONSUL SAPPORO PRIORITY 3609

C O N F I D E N T I A L TOKYO 000623

SIPDIS

EEB/IFD/ODF: RACHEL LEATHAM, OES/ENV: KERI J. HOLLAND,
TREASURY: RACHEL BAYLY

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TAGS: [ECON](#) [PAS](#) [MDO](#) [RAS](#) [FIN](#) [DOE](#) [DCM](#) [AMB](#) [DAO](#) [PAS](#) [AID](#) [CON](#) [ECON](#)
SUBJECT: ADB SAFEGUARDS

REF: STATE 21473

Classified By: Pol M/C W. Michael Meserve per (1.4b, d).

¶1. (C) Embassy Tokyo Political Officer delivered reftel demarche to Satoshi Suzuki, Director of the Environmental and Social Considerations Review Division (Southeast Asia and Pacific) at JICA (Japan International Cooperation Agency). Suzuki responded that JICA is at present working with the Japan Bank for International Development to revise their Guidelines for Environmental and Social Considerations. He added that both the Bank's (2001) and JICA's (2004) Guidelines contained an identical statement, "Efforts must be made to obtain the consent of indigenous peoples after they have been fully informed." Suzuki stated they are studying the World Bank approach to this issue and expect the new language to call for "efforts to be made to obtain consent without this necessarily being an absolute criteria."

¶2. (C) Financial Attaché delivered the same points to the Ministry of Finance's Development Institutions Division Deputy Director Kentaro Ogata, who explained that MOF "understands and to some extent shares" our views. However, Ogata noted the September 2007 UN Declaration left MOF little choice. Allowing that the UN declaration was non-binding and confers neither rights nor establish legal principles, Ogata stated the EBRD's revision of its safeguards policy after the UN Declaration made FPIC (Free Prior Informed Consent) a performance requirement, and would prompt the ADB to reference the UN declaration or risk facing a flood of UN criticism.

¶3. (C) Japanese NGOs have expressed preference for language requiring consent. Yuki Tanabe, Program Coordinator of the Japan Center for a Sustainable Environment and Society (JACSES) told Embassy Tokyo, "It's not our main criticism of the ADB (Asian Development Bank) Safeguards Draft Document, but we have expressed our desire that it be included." He added that the group's main problems with the Draft is the disclosure issue as it relates to the environmental impact assessment, and perceived internal inconsistencies. JACSES is also concerned that the Draft's list of Prohibited Investment Risks does not seem to apply to the ADB itself, but only to its investment partners.

ZUMWALT